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COMMITTEES
Chair:
Missouri Children & Families
Interim House Review Committee on
2011 Missouri Water Patrol Division
Merger
Member:
Joint Committee on Child Abuse and
Neglect
Appropriations – Education
Professional Registration
Social Services

MISSOURI HOUSE OF REPRESENTATIVES

Diane Franklin

State Representative
District 123

January 21, 2016

Speaker Todd Richardson
Missouri House of Representatives
201 W. Capitol Ave., Room 308
Jefferson City, MO 65101

Mr. Speaker,

First, I want to express my sincere gratitude for allowing the Missouri House committees on Children and Families and Ways and Means to jointly hear testimony to investigate Planned Parenthood's actions and practices in Missouri. That, following the release of the undercover videos at Planned Parenthoods across the U.S. indicating the harvest and trafficking of aborted baby body parts. The hearing process afforded Missourians the opportunity to learn of the policies and procedures the Department of Health and Senior Services (DHSS) follows relating to abortion licensure, facility inspections and reporting documents. In addition, the committees were able to look into whether the aforementioned allegation regarding fetal parts occurred in Missouri.

It was difficult to ascertain, with any real certainty, the answer to the committee's charge relating to the sale of baby body parts. A comprehensive review to gain better understanding of Planned Parenthood's practice and procedures in relation to the handling of body parts was not permitted to the committee, as Planned Parenthood of the St. Louis Region and Southwest Missouri and Planned Parenthood of Kansas and Mid-Missouri did not respond to the committees' requests to testify. According to the Missouri attorney general's report released in September 2015 on abortion and disposal procedures during the month of June 2015, 317 surgical abortions were performed at the St. Louis Planned Parenthood clinic in question. Despite the volume of business it conducts, Planned Parenthood officials did not want to shed light on the procedures it carries out. The committee did, however, hear testimony from DHSS on management concerning abortion documentation and reporting, licensure and inspections.

The driving rationale behind the committee hearings was to answer the questions Missourians have about fetal tissue trafficking in Missouri. It is inconsiderate to Missourians and a great disappointment that those with the most knowledge on procedures and processes under review put up roadblocks, leaving in the end inconclusive results of the investigated issue. In Missouri, we can do better.

After the analysis of the committee's questions left unanswered have culminated with a list of recommendations

We can do better in addressing Missouri women's healthcare needs.

More than \$1.6 million in state and federal-contributed MO HealthNet has been spent at Planned Parenthood facilities during fiscal years 2012-2015, all while alternative, more comprehensive services are offered to Missourians. We can better address Missouri women's health care needs with a reprioritization of women's

health funding to the more than 585 Federally Qualified Health Clinics and Rural health clinics across the state, which are equipped to provide comprehensive health care services for women, men and children. In Missouri there are 45 of these clinics for every Planned Parenthood facility. That means there is far greater access to resources such as cancer screening, ultrasounds services, women's health exams and primary care services without abortion services. This would also be a better, more efficient use of Missouri taxpayer dollars. Other alternative non-profit sources should also be considered to receive resources, such as Medical Missions for Christ, which offer pap-smears and pelvic exams for free as well as prescription assistance, specialist referrals and well-woman exams at a free or discounted rate.

We can do better to assure Missourians that fetal body parts are not being sold in Missouri.

This can be achieved with:

1. Whistleblower protection for individuals affiliated with Planned Parenthood or any organization providing elective abortion services with Missouri and within the pathology laboratories where the baby is sent for examination.
2. Following the federal law for penalties for trafficking fetal body parts. In Missouri, the purchase or sale of dismembered tissues and organs from abortions is only a misdemeanor, punishable by up to one year in prison or a \$1,000 fine. The federal punishment is more severe – up to 10 years in jail and a \$500,000 fine.
3. Improved abortion remains tracking and transparency. This can be done with enhanced reporting mechanisms, including a tracking number placed with the aborted baby's remains from abortion to the pathology lab to the time of disposal; increased departmental scrutiny of elective abortion providers with surprise inspections. This should also include clarifications for improving records keeping at DHSS.
4. Sanctioning a standing Missouri House committee with regular oversight of abortion law execution.

We can do better to assure humane and dignified disposition of the aborted.

Assurance of a dignified disposition can be accomplished with a change of terminology within Missouri state laws and regulations from "products of conception" and "fetal remains" to "remains of a human fetus," followed with a definition of such term and a protocol of humane and respectful disposal. States like Georgia and Minnesota have been successful in implementing laws relating to redefinition and a humane, dignified disposition of the aborted.

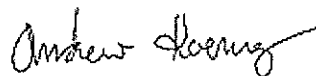
A point-by-point elaboration of what all we can do better can be found in the accompanying committee report.

We again thank you for your support of the House investigation into Planned Parenthood. The people of Missouri have been outspoken in the months following abhorrent undercover videos exposing the organization's apparent trafficking of baby body parts. Missourians from across the state demanded assurance that this had not occurred in our state, urged reprimand if it had and pushed for a safeguard to prevent the potential of it ever happening again. These efforts provided us a way to represent the best interests of Missouri, and we intend to finish the task with the above findings. For that, we are appreciative.

Respectfully,



Diane Franklin
State Representative
Missouri House District 123



Andrew Koenig
State Representative
Missouri House District 99

January 21, 2016

House Committees on Children & Families and Ways & Means
Representatives Diane Franklin and Andrew Koenig, Committee Chairs

The Honorable Todd Richardson
Speaker of the Missouri House of Representatives

Re: Recommendations for consideration as a result of the committee hearings.

The Committee on Children & Families and the Committee on Ways & Means held joint hearings on August 19, 2015 and October 14, 2015 to investigate Planned Parenthood clinics in Missouri after a series of concerns were raised concerning a video discussing the selling of aborted fetal tissue in Missouri.

During the August hearing the committees reviewed state and federal laws, read brief portions of the transcripts between two Planned Parenthood workers in a video, and heard testimony from Gail Vasterling, the Director of the Department of Health and Senior Services (DHSS); Jennifer Tidball, Deputy Director of the Division of Finance and Administrative Services for the Department of Social Services (DSS); Dr. Joe Parks, Director of the MO HealthNet Division for DSS; Joel Anderson, Director of the Division of Legal Services for DSS; Dr. Ed Weisbart, a family physician; Bonnie Lee, a retired nurse and concerned citizen; and Kathy Forck, a concerned citizen. The committee members asked questions of DHSS regarding the licensure of the Planned Parenthood clinics in Missouri. The members were particularly interested in the Columbia clinic as it plans to offer medication-induced abortions now and surgical abortions in early 2016. Ms. Vasterling was unable to answer every question asked because of confidentiality concerns and stated she needed to consult with legal counsel. However, she defended the procedures for issuing the license to Planned Parenthood and told the committees that she was satisfied the conditions of state law and regulations had been met.

The committees met again in October to determine the path of the fetal tissue after the abortion procedure is completed, including the transfer of the tissue to a pathologist and the ultimate destruction of the tissue. The committee heard testimony from Dr. James Miller of Pathology Services, Inc.; Abby Johnson, a former Texas Planned Parenthood employee; Steven Alan Ramsey, Director of Governmental Policy and Legislation for DHSS; Bonnie Lee, a retired nurse and concerned citizen; Kathy Forck, an concerned citizen; Susan Klein of Missouri Right to Life; and Samuel Lee of Campaign Life Missouri. Witnesses testified that the pathology company received each specimen of fetal tissue from Planned Parenthood in a sealed container filled with formaldehyde solution and tagged with a unique identifying number. Upon completion of a gross examination, the pathology company keeps each specimen for three to four weeks in case of any

issues or request for additional examination, then sends the specimen to a disposal company for ultimate destruction. Witnesses testified that in Texas, upon completion of an abortion, the fetal tissue was placed in a plastic bag or cup, the tissue was not routinely sent to a pathologist, and fetal tissue would be sent to a research company if a woman obtaining an abortion chose to enroll in a research study.

Several witnesses were called for an opportunity to testify and inform the committees on the abortion process and Planned Parenthood services, however they refused to participate in one of the hearings. Those include Mary Kogut, Planned Parenthood of the St. Louis Region and Southwest Missouri president and CEO; Dr. Colleen McNicholas; and Laura McQuade, Planned Parenthood of Kansas and Mid-Missouri president and CEO. Also, Director Vasterling was unprepared to answer questions despite the first House hearing occurring after the Senate's committee met for the first time. Generally, there were road blocks along the way from top executive officials, which hampered the legislature's oversight duty and process.

From the research, concerns and testimony heard by these committees, the members offer the following recommendations:

1. Abortion Tracking and Transparency

- a. Section 188.047, RSMo., shall be revised to require all fetal tissue removed at the time of an abortion to be sent to a pathology lab, not just a sample of the tissue.
- b. A unique identifying number shall be given to each specimen at the time of an abortion to allow for tracking the specimen from the abortion to the pathology lab to disposal.
- c. A document of export and a document of receiving shall be made for each specimen at each processing facility, including the place an abortion is conducted, the pathology lab, and the place of disposal shall be created and submitted to DHSS.
- d. DHSS shall pair each notice of abortion with its corresponding pathology report. If both documents are not received, DHSS shall investigate and if DHSS finds the abortion facility was not compliant with this requirement, DHSS shall consider such noncompliance to be a deficiency that requires an unscheduled re-inspection of the facility to ensure the deficiency is remedied.
- e. The pathologist report shall indicate if all the material was received that would be common for a specimen of such gestational age, detailed gross findings of what was received (including the percent blood clot and percent tissue), and a gross diagnosis. The pathology lab shall submit this report to DHSS and the abortion facility that sent the specimen.
- f. A report shall be made by the facility where an abortion is conducted, by the pathology laboratory, and the facility where the specimen is finally destroyed. These reports shall document, when applicable, the date the specimen was collected, the date the specimen was transported from such entity, the date the

specimen was received by such entity, and the date the specimen was destroyed by such entity. Such reports shall be submitted to DHSS by each entity for each individual specimen.

- g. A report shall be made by the disposal facility that all materials were received and have been properly disposed of and such report shall be submitted to DHSS.
- h. All fetal material shall be sent to a pathologist and all fetal material that leaves an abortion facility shall be made non-hazardous in compliance with the regulations of the Department of Natural Resources.
- i. All the information gathered by DHSS under this section shall be placed in an Annual report that will be submitted to the Legislature. The report should include the number of deficiencies for each abortion facility in the calendar year and whether such deficiencies were ultimately remedied.

2. House Oversight

- a. Appoint one of the existing House Standing Committees to meet at least once annually to ensure abortion laws are being followed.

3. Inspections to be Conducted by the Department

- a. An unannounced inspection of a licensed abortion facility shall be conducted once a year in addition to an annual inspection. If an unannounced inspection is conducted as a result of deficiencies found during an annual inspection, the unannounced inspection requirement shall be considered fulfilled.
- b. The unannounced inspections shall be limited to matters related to abortions.
- c. Unannounced inspections shall verify that all fetal materials have been sent to a pathologist in a non-hazardous form in accordance with the regulations of the Department of Natural Resources; all relevant reports are completed, submitted, and received; and current regulations and statutes relating to annual inspection requirements are being met.

4. Abortion Procedures

- a. All federal statutes relating to the sale of fetal remains shall be codified in state law and all penalties for the sale of fetal remains shall match federal penalties.
- b. All state funds for women's health shall be directed to Federally Qualified Health Centers and Rural Health Clinics in Missouri and shall not be given to any facility that provides elective abortions to ensure such funds are used for comprehensive health care services.
- c. Whistle Blower protections shall be provided to all persons that work in abortion facilities, pathology labs, and disposal centers who are directly involved in managing fetal remains from elective abortive services.

5. Disposition of Aborted or Miscarried Fetuses

- a. Consider the viability of changing the term “products of conception” to “remains of a human fetus,” and to define it as “remains of the dead offspring of a human being that has reached a stage of development so that there are cartilaginous structures, fetal or skeletal parts after an abortion or miscarriage, whether or not the remains have been obtained by induced, spontaneous, or accidental means,” just as states like Minnesota and Georgia have done.
- b. Following that, check the possibility of requiring humane disposal of aborted human (fetal) remains.
- c. Prepare legislation so that these changes can be vetted during the legislative process.

Please let us know if you have questions.


Respectfully submitted,

The House Committees on Children & Families and Ways & Means

House Committee on Children & Families


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Representative Jim Neely, Vice Chair


Representative Charlie Norr


Representative Nathan Beard


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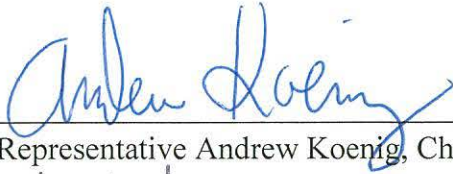

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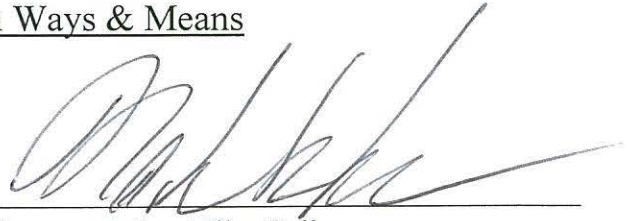

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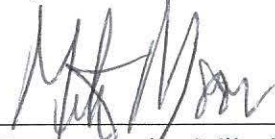
House Committee on Ways & Means



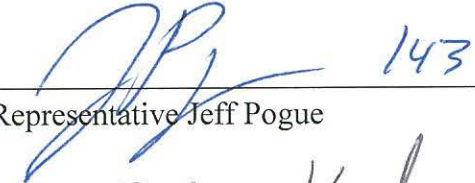
Representative Andrew Koenig, Chair



Representative Mike Kelley



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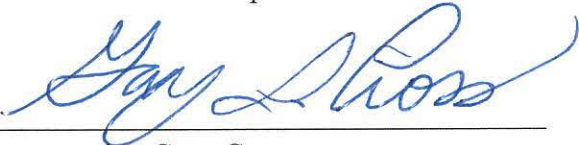
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